

State of South Carolina

1612 Marion Street
P.O. Box 1715
Columbia, S.C. 29202-1715



Tel: (803) 737-5700
Fax: (803) 737-5768
www.wcc.sc.gov

Workers' Compensation Commission

Increase in Fines and Penalties

The South Carolina Workers' Compensation Commission approved, at its January 26, 2009 business meeting, increasing fines and fees assessed under the Workers' Compensation Act. This action was taken pursuant to §42-3-105, which states:

§42-3-105. Commission's authority to double fines and penalties; penalties for noncompliance by uninsured employers.

The Worker's Compensation Commission is authorized to double the amount of fines and penalties assessed for each violation of the Workers' Compensation law, except that for employers found to be uninsured in violation of the Workers' Compensation law, the minimum amount of the penalty assessed shall be seven hundred fifty dollars a year of noncompliance and the maximum amount of the penalty shall be one thousand dollars a year of noncompliance. The commission is further authorized to retain and expend all revenues received as a result of these collections.

Effective for penalties assessed on or after April 1, 2009, penalties will increase from \$100 to \$200 except for the failure to provide notice of final payment, Form 19, the penalty for which will increase from \$25 to \$50. This affects primarily fines assessed under §42-19-30 and §42-19-50.

§42-19-30. Penalty for failure to make required reports.

Any employer or insurance carrier who refuses or neglects to submit required forms, records, and reports as may be necessary for the proper handling or adjudication of a claim is liable for a penalty of not less than ten dollars nor more than one hundred dollars for each refusal or neglect. The fine provided in this section may be assessed by the commission with the right of review and appeal as in other cases.

§42-19-50. Penalty for failing to file report of insurance coverage.

Every insurance carrier providing coverage under the Workers' Compensation law shall file a report of coverage with the Industrial Commission within thirty days from the inception date of the policy on forms prescribed by the Commission. Any insurance company who refuses or neglects to properly submit the required forms is liable for a penalty of not less than one hundred dollars and not more than two hundred fifty dollars for each day's refusal to so file. The fine provided for in this section may be assessed by the commission with the right to review and appeal as in other cases.

Fines assessed under §42-19-30 were last increased in 1986, increasing from \$50 to \$100. Fines assessed under §42-19-50 were last increased in 1985.

If you have any questions about any fine, please contact the division that assessed the fine at the following number:

Claims Department 803.737.5723

Coverage Division 803.737.5708

Compliance Division 803.737.5708

Judicial Department 803.737.5734